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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/511,324

10/15/2004

Rigobert Leon Maria Bosman

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05/09/2007

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ALEXANDRIA, VA 22320

EXAMINER

KHAN, AMINA S

ART UNIT

PAPER NUMBER

1751

MAIL DATE

DELIVERY MODE

05/09/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/511,324

Applicant(s)

BOSMAN ET AL.

Examiner

Amina Khan

Art Unit

1751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to applicant's amendment's filed on March 9, 2007.
2. Claims 1-16 are pending. Claims 4 and 5 have been amended.
3. The 35 U.S.C. 112, second paragraph rejection of claims 4-7 and 12-14 is withdrawn in view of applicant's amendments.
4. The 35 U.S.C. 112, second paragraph rejection of claim 9 is withdrawn in view of applicant's arguments.
5. Claims 1-4 and 9-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (US 4,800,117) in view of Makino et al. (JP 410140479) for the reasons set forth in the previous office action.
6. Claims 5-9 and 12-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (US 4,800,117) in view of Makino et al. (JP 410140479) and further in view of Droste et al. (GB 2,040,327) for the reasons set forth in the previous office action.

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7. Claims 5-8 and 12-16 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Marshall (US 4,800,117) in view of Makino et al. (JP 410140479) and further in view of Van Leeuwen et al. (US 4,473,617) for the reasons set forth in the previous office action.

Response to Arguments

8. Applicant's arguments filed regarding Marshall, Makino, Droste and Van Leeuwen have been fully considered but they are not persuasive.

The applicant argues:

"One of ordinary skill in the art would not have modified the teachings of Marshall with the teachings of JP 479 as alleged by the Patent Office. Specifically, one of ordinary skill in the art would not have been motivated to apply two separate dyeing steps, as required in the present claims. In other words, one of ordinary skill in the art would not have (1) dyed the filaments in a spun dyeing process as taught by JP 479, (2) weaved a seat belt webbing, and (3) then again dyed the woven seat belt with disperse dyes as taught by Marshall, as alleged by the Patent Office. Once a spun-dyed filament for a seat belt is produced, there is no reason to apply a second dyeing step at all, since the reason for dyeing, i.e., rendering a certain color to the filament, has already been accomplished."

"The Patent Office also alleges that due to the fabric of Marshall being resistant to abrasion, one of ordinary skill in the art would have combined the spun-dyed fibers of JP 479 with the teachings of Marshall. However, as described above, one of ordinary skill in the art would not have combined two different methods of dyeing as alleged by the Patent Office. Moreover, the abrasion resistance taught by Marshall is achieved by the wax formed in-situ on the fiber by reacting melamine with a fatty acid. It is quite clear to those of ordinary skill in the art that wax reduces friction and consequently reduces abrasion. Thus, if JP 479 were to have been combined with Marshall as alleged by the Patent Office, one of ordinary skill in the art would have applied the wax taught by Marshall as a second step to provide resistance to abrasion, and not subjected the fabric to a water-bath containing at least one disperse dye, as required in the present claims, especially because the spun-dyed fibers would have provided the color for the fabric."

The examiner respectfully disagrees. Marshall teaches taking two plied yarns, forming a cord, and then dyeing with disperse dyestuffs (column 4, lines 1-15) to produce dyes with high strength and good abrasion resistance (column 3, lines 1-20). Makino teaches that spun dyed yarns are excellent in processability when weaving seat

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belts and produce belts with high strength and excellent durability (abstract). It would be obvious to substitute a portion of the undyed yarns in Marshall with some of the spundyed yarns of Makino followed by disperse dyeing of the seat belt to produce a high strength, durable, multicolored product. Droste clearly teaches that white yarn may be combined with colored yarn and piece dyed (page 1, lines 10-20). It is well known and conventionally done in the textile dyeing art to overdy previously dyed fibers and fabrics. The rejections of the claims are maintained.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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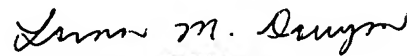
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amina Khan whose telephone number is (571) 272-5573. The examiner can normally be reached on Monday through Friday, 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AK

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May 7, 2007


LORNA M. DOUYON
PRIMARY EXAMINER